

In The United States Court of Federal Claims

No. 11-255C

(Filed: June 12, 2012)

CHEETAH OMNI, LLC,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On August 19, 2011, defendant filed a motion to dismiss this case. Defendant's motion asserted that plaintiff's patent infringement claims were premature since the allegedly infringing contract had not yet been awarded, and that the government had not waived its sovereign immunity with respect to certain other of plaintiff's claims. On January 18, 2012, the court held a status conference, in which plaintiff indicated a willingness to amend its complaint. That same day, the court issued an order staying consideration of the motion to dismiss pending award of the contract referred to in the complaint. On February 7, 2012, defendant filed a notice indicating that the contract at issue had been awarded. On February 17, 2012, defendant filed a second notice, indicating that a losing bidder for that contract had filed a bid protest with the Government Accountability Office (GAO).

On March 6, 2012, following a status conference, this court issued an order staying the case pending resolution of the GAO bid protest. On June 1, 2012, defendant filed a notice that the GAO had dismissed the bid protest. Accordingly, the court hereby orders the following:

1. The Clerk shall restore this case to the active docket;
2. On or before July 6, 2012, plaintiff shall file its Amended Complaint, pursuant to RCFC 15(a)(2); and

3. Defendant shall respond to that amended complaint in accordance with the provisions of the RCFC.

IT IS SO ORDERED.

s/ Francis M. Allegra
Francis M. Allegra
Judge